

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 07-15
)	[UNDER SEAL]
DAVID DOMINIC BOYCE)	

AMENDED INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Soo C. Song, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A Federal Grand Jury returned a two-count Indictment against the above-named defendant for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Coercion and Enticement from on or about September 24, 2006, to on or about September 25, 2006	18 U.S.C. § 2422(b)
2	Travel with Intent to Engage in Illicit Sexual Conduct on or about September 25, 2006	18 U.S.C. §§ 2423(b) & (e)

II. ELEMENTS OF THE OFFENSES

A. As to Count One:

In order for the crime of Coercion and Enticement of a Minor to Engage in Illegal Sexual Activity, in violation of Title 18, United States Code, Section 2422(b), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant knowingly used the mail or any facility or means of interstate or foreign commerce;
2. That the defendant persuaded, induced, enticed or coerced any individual who had not attained the age of 18 years;
3. That the defendant engaged in any sexual activity for which he (the defendant) could be charged with a criminal offense, or attempted to do so.

Title 18, United States Code, Section 2422(b).

B. As to Count Two:

In order for the crime of Travel with Intent to Engage in Illicit Sexual Conduct, in violation of Title 18, United States Code, Sections 2423(b) & (e), to be established, the government must prove each of the following elements beyond a reasonable doubt:

1. That the defendant traveled in interstate or foreign commerce, or attempted to do so;
2. That the defendant traveled for the purpose of engaging in illicit sexual conduct;

3. That the illicit sexual conduct would be in violation of chapter 109A if the sexual act occurred in the special maritime or territorial jurisdiction of the United States or any commercial sex act as defined in section 1591 with a person under 18 years of age.

Title 18, United States Code, Section 2423(b).

III. PENALTIES

A. As to Count One: Coercion and Enticement of a Minor to Engage in Illegal Sexual Activity (18 U.S.C. § 2422(b)):

1. Imprisonment of not less than ten (10) years, and not more than life, 18 U.S.C. § 2422(b) (effective July 27, 2006);

2. A fine of not more than \$250,000.00, 18 U.S.C. §3571(b) (3);

3. A term of supervised release of up to life, 18 U.S.C. § 3583(k); and

4. Any or all of the above.

B. As to Count Two: Travel with intent to Engage in Illicit Sexual Conduct, in violation of Title 18, United States Code, Sections 2423(b) & (e).

1. Imprisonment of not more than thirty (30) years, 18 U.S.C. §2423(b);

2. A fine of not more than \$250,000.00, 18 U.S.C. §3571(b) (3);

3. A term of supervised release of up to life, 18 U.S.C. §3583(k);

4. Any or all of the above.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION

Restitution may be ordered in this case, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §3663, 3663A and 2259.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

S/SOO C. SONG
SOO C. SONG
Assistant U.S. Attorney
DC ID No. 457268